

Practitioner's Docket No. 2590/102



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2122 \$
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Milo, Gary

Application No.: 10/029,088

Group No.: Not yet Assigned

Filed: 10/19/01

Examiner: Not yet Assigned

For: Heuristic Profiler for Packet Screening

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Technology Center 2100

Commissioner for Patents
Washington, D.C. 20231

PETITION TO ACCORD CORRESPONDENCE FILING DATE SHOWN
ON EXPRESS MAIL LABEL "DATE-IN"
(37 C.F.R. 1.10(c))

1. This is a petition to accord the correspondence in the above-identified Application the "date-in" of October 19, 2001 shown on the Express Mail Label No. EL543498895US.

It is respectfully contended that the date of December 19, 2001 accorded this correspondence by the PTO is incorrect.

2. Submitted herewith is the statement of Samuel J. Petuchowski as to when the discrepancy was discovered and establishing that this petition is being filed promptly thereafter. 37 C.F.R. 1.10(c)(1).

3. Attached is a true copy of the first page of the correspondence which was filed, showing both the date on which this correspondence was mailed as Express Mail Label No. EL543498895US and that the number of the Express Mail was placed thereon prior to mailing. 37 C.F.R. 1.10(c)(2).

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. Section 1.8(a))

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

[x] deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231.

FACSIMILE

[] transmitted by facsimile to the Patent and Trademark Office (703) ____-____.

Date: February 11, 2002


Signature

Samuel J. Petuchowski

(type or print name of person certifying)

(Petition to Accord Correspondence Filing Date Shown on Express Mail Label "Date-in"--page 1 of 2)

4. Attached is true copy of the "Express Mail" mailing label showing the "date-in" of October 19, 2001.
37 C.F.R. 1.10(c)(3).

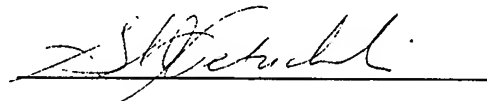
5. The petition fee is paid as follows:

Enclosed please find a check payable to the "Commissioner of Patents" for the sum of \$130.00.

A duplicate of this petition is enclosed.

Please charge Account No. 19-4972 for any fee deficiency or credit this account for any overpayment for this petition.

Date: February 11, 2002



Samuel J. Petuchowski
Registration No. 37,910
Bromberg & Sunstein LLP
125 Summer Street
Boston, MA 02110-1618
US
617-443-9292
Customer No. 02101

Practitioner's Docket No. 2590/102



COPY OF PAPERS
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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Milo, Gary

Application No.: 10/029,088

Group No.: Not yet Assigned

Filed: 10/19/01

Examiner: Not yet Assigned

For: Heuristic Profiler for Packet Screening

Commissioner for Patents

Washington, D.C. 20231

**STATEMENT OF SAMUEL J. PETUCHOWSKI AS TO WHEN DISCREPANCY WAS
DISCOVERED IN SUPPORT OF PETITION TO ACCORD CORRESPONDENCE FILING
DATE SHOWN ON EXPRESS MAIL LABEL "DATE-IN" (37 C.F.R. 1.10(c))**

I, Samuel J. Petuchowski, discovered that the incorrect filing date of December 19, 2001 was accorded to this application upon receipt of the application return postcard on January 18, 2002. This application was filed on October 19, 2001, as indicated on the attached copies of the Express Mail Label and Certificate of Mailing for this matter. This petition is being filed promptly under 37 C.F.R. 1.10(c)(1).

Date: February 11, 2002

Samuel J. Petuchowski
Registration No. 37,910
Bromberg & Sunstein LLP
125 Summer Street
Boston, MA 02110-1618
US
617-443-9292
Customer No. 02101

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CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. Section 1.8(a))

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Date: February 11, 2002

Signature

Samuel J. Petuchowski

(type or print name of person certifying)

Practitioner's Docket No. 2590/102



00037770

EL543498895US

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Milo, Gary

Application No.: N/A

Filed: filed herewith

For: Heuristic Profiler for Packet Screening

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Group No.: N/A

Examiner: N/A

Commissioner for Patents
Washington, D.C. 20231

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EXPRESS MAIL CERTIFICATE

"Express Mail" label number EL 543498895 US

Date of Deposit 10/19/2001

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I hereby state that the following *attached* paper or fee

utility patent application and related documents

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. section 1.10, on the date indicated above and is addressed to the Commissioner for Patents, Washington, D.C. 20231.

Samuel J. Petuchowski

Signature of person mailing paper or fee

Please type a plus sign (+) inside this box



PTO/SB/05 (11-00)

Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

UTILITY PATENT APPLICATION TRANSMITTAL

Attorney Docket No. 2590/102

First Inventor Gary Milo

Title Heuristic Profiler for Packet Screening

Express Mail Label No. EL 543498895 US

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
2. ☒ Applicant claims small entity status.
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 13]
(preferred arrangement set forth below)
 - Descriptive title of the invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 4]
5. Oath or Declaration [Total Pages 3]
 - a. ☒ Newly executed (original or copy)
 - b. ☐ Copy from a prior application (37 CFR 1.63 (d))
(for continuation/divisional with Box 18 completed)
 - i. ☐ **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☒ Application Data Sheet. See 37 CFR 1.76

ADDRESS TO: Commissioner for Patents
Box Patent Application
Washington, DC 20231

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
 - a. ☐ Computer Readable Form (CRF)
 - b. Specification Sequence Listing on:
 - i. ☐ CD-ROM or CD-R (2 copies); or
 - ii. ☐ paper
 - c. ☐ Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement ☒ Power of Attorney
(when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)
(if foreign priority is claimed)
16. ☐ Request and Certification under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. ☒ Other: Article titled, "Results of the Distributed Systems Intruder Tools Workshop"

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

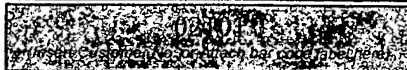
☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No. _____ / _____

Prior application information: Examiner _____ Group Art Unit _____

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

☒ Customer Number or Bar Code Label



or ☐ Correspondence address below

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Name

Address

City

State

Zip Code

Country

Telephone

Fax

Name (Print/Type)

Samuel Petuchowski

Registration No. (Attorney/Agent)

37,910

Signature

Samuel Petuchowski

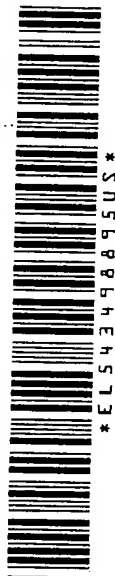
Date

October 19, 2001

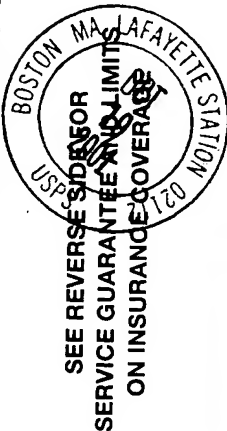
Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

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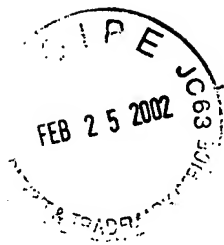
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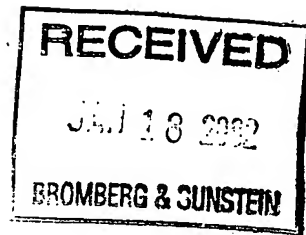
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The Commissioner for Patents has received from Bromberg & Sunstein LLP the following re:

Inventor: Miko, Gary

Docket No: 2590/102

Title: Heuristic Profiler for Packet Screening

Examiner: Not yet Assigned

Serial/Patent No: Not yet Assigned

Date: October 19, 2001

Filing/Issue Date: Herewith:

Express Mail No: EL 543498895 US

Documents:

- (X) New Application Transmittal
() Provisional Application Cover Sheet
(X) Description - 8 pages
(X) Claims - 3 pages
(X) Abstract
(X) Application Data Sheet
() Request and Certification
under 35 USC 122(b)(2)(B)(i)
(X) 4 sheets of drawings
(X) formal () informal
() Transmittal of Formal Drawings
(X) Declaration & Power of Attorney
(X) executed () unexecuted
() Completion of Filing Requirements

- () Amendment Transmittal
() Amendment (Preliminary)
() Response _____
() IDS & References _____
() Petition for _____ month Extension
() Issue Fee Transmittal & Form PTOL-85b
() Payment of _____ Maintenance Fee
() Request for Corrected Filing Receipt
() Assignment/Recordation Form Cover Sheet
(x) Check in the amount of \$412.00
(X) Attachment to application (article titled,
"Results of the Distributed-Systems Intruder
Tools Workshop")
()

